

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

GENESIS CORTEZ SICAT

Registered Nurse License No. 506965

Respondent.

Case No. 2008-10

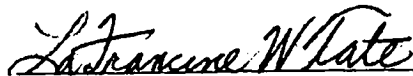
OAH No. 2008020079

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on October 11, 2008.

IT IS SO ORDERED September 11, 2008.



President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
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In the Matter of Accusation Against:

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Registered Nurse License No. 506965

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Case No. 2008-10

OAH No. 2008020079

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on May 21, 2008.

Maretta D. Ward, Deputy Attorney General, represented complainant.

Steven A. Chase, Attorney at Law, represented respondent, who was present.

Submission of the matter was deferred to July 11, 2008, for receipt of further evidence, which was received, marked for the record and considered. The matter was submitted on July 11, 2008.

FACTUAL FINDINGS

1. Ruth Ann Terry, M.P.H., R.N., made the accusation in her official capacity as the Executive Officer of the Board of registered Nursing (Board), Department of Consumer Affairs, State of California.

2. On December 6, 1994, the Board issued Registered Nurse License Number 506965 to Genesis Cortez Sicat (respondent). The registered nurse license expired May 31, 2008, unless it was renewed.

3. On August 29, 2005, in the Superior Court, County of San Mateo, California, respondent was convicted on his plea of nolo contendere of violating Vehicle Code section 2800.1, subdivision (a) (attempted to evade a pursuing officer while operating a motor vehicle), a misdemeanor.

The facts and circumstances of the offense are that on July 17, 2005, while San Francisco police officers were attempting to stop respondent for speeding, respondent sped away from the officers. Once respondent was stopped, respondent put his vehicle into reverse and accidentally hit the officers' patrol vehicle. Respondent got out of the vehicle and continued to be combative until the officers were able to subdue respondent and place him under arrest. This conviction is not substantially related to the duties, qualifications, and functions of a registered nurse on its face or by its facts and circumstances.

Respondent was placed on court probation for 18 months on the condition that he pay a fines and fees of \$130 and make restitution in the amount of \$860.38 for the damage to the police vehicle. Respondent has completed his probation.

4. On January 12, 2006, in the Superior Court, County of San Mateo, California, respondent was convicted on his plea of nolo contendere of violating Penal Code section 166, subdivision (a)(4) (contempt of court), a misdemeanor. This conviction by its facts and circumstances is substantially related to the duties, qualifications and functions of a registered nurse.

The facts and circumstances are that on December 30, 2005, respondent violated a restraining order obtained by respondent's parents to keep respondent away. Police officers responded to the home of respondent's parents. A search of respondent's person yielded a small amount of methamphetamine.

Respondent was placed on probation for two years on the condition that he pay fines and fees of \$390. Respondent has completed his probation.

5. Complainant has requested costs for prosecution of this matter in the amount of \$7,790. That amount is reasonable.

6. Respondent admits that he has a drug abuse problem. He was using methamphetamine for several years. After the last incident on December 30, 2005, respondent realized that he had to turn his life around. Respondent entered a residential treatment program in the Philippines. He was admitted to the program May 10, 2006, and completed the primary phase of treatment and left the program December 29, 2006. Respondent has relapsed at least once since January 2007.

7. Respondent has been attending NA meetings since September 2007. He presented a letter from his sponsor dated June 10, 2008. Respondent has agreed to make his "clean date" May 28, 2008, when he began working with his sponsor. Respondent also agreed with his sponsor to attend NA meetings daily for three months. His sponsor praised respondent's energy and attitude toward recovery.

8. Respondent presented a letter from his pastor who has been counseling respondent since January 11, 2006. Respondent is working on a "plan to go back into the system for good" with his pastor. Respondent regularly attends church services including

prayer meetings, vesper meetings and Sabbath services. Respondent also volunteers to help renovate the church.

9. Respondent completed 30 hours of continuing education in 2007.

10. Respondent received his BA in nursing in the Philippines. He came to the United States in 1993. He was employed at the California Pacific Medical Center for 8 years. He resigned in March 2003. He then worked in the VA hospital and San Mateo County Hospital until he entered a rehabilitation program in 2006. He last worked as a nurse three years ago.

11. He now has a good relationship with his parents and presently lives with them. He no longer associates with the friends he had when he was abusing drugs.

12. Respondent is committed to his recovery. He has taken substantial steps toward rehabilitation. It would not be against the public interest to allow respondent to retain his registered nursing license under strict probationary terms including participation in a drug rehabilitation program.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Finding 3, cause for disciplinary action does not exist pursuant to Business and Professions Code section 2761, subdivision (f) (conviction of a substantially related crime). It was not established by clear and convincing evidence that this conviction was substantially related to the practice of nursing.

2. By reason of the matters set forth in Finding 4, cause for disciplinary action exists pursuant to Business and Professions Code section 2761, subdivision (f) (conviction of a substantially related crime). This crime involved the use of illegal drugs (methamphetamine).

3. The costs for prosecution of this matter as set forth in Finding 5 of \$7,790 are reasonable and allowed pursuant to Business and Professions Code section 125.3.

4. The matters in mitigation, extenuation and rehabilitation as set forth in Findings 6 through 12 have been considered in making the following order.

ORDER

Registered nurse license No. 506965 issued to Genesis Cortez Sicut is hereby revoked. However, the order of revocation is stayed and respondent's license shall be placed on probation for a period of five years with the following terms and conditions:

SEVERABILITY CLAUSE – Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof,

is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

- (1) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

- (2) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

- (3) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
- (4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he resides outside of California. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing license during the term of probation.

- (5) SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he has a registered nurse license.

- (6) FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation shall apply.

- (7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance

evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

- (8) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

- (a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.
- (b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.
- (c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.
- (d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision

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and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by respondent with or without respondent present.

- (9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

- (10) COMPLETE A NURSING COURSE(S) - Respondent, at his own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records.

- (11) VIOLATION OF PROBATION - If a respondent violates the conditions of his probation, the Board after giving respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

- (12) LICENSE SURRENDER - During respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

- 1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or
 - 2) One year for a license surrendered for a mental or physical illness.
- (13) PHYSICAL EXAMINATION - Within 45 days of the effective date of this decision, respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician assistant, who is approved by the Board before the assessment is performed, submit an assessment of respondent's physical condition and capability to perform the duties of a registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If medically determined, a recommended treatment program will be instituted and followed by respondent with the physician, nurse practitioner, or physician assistant providing written reports to the Board on forms provided by the Board.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed physician, nurse practitioner, or physician assistant making this determination shall immediately notify the Board and respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and shall not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required until the Board has

notified respondent that a medical determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to have the above assessment submitted to the Board within the 45-day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

- (14) PARTICIPATE IN TREATMENT/REHABILITATION PROGRAM FOR CHEMICAL DEPENDENCE - Respondent, at his expense, shall successfully complete during the probationary period or shall have successfully completed prior to commencement of probation a Board-approved treatment/rehabilitation program of at least six months duration. As required, reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a Board-approved treatment/rehabilitation program prior to commencement of probation, respondent, within 45 days from the effective date of the decision, shall be enrolled in a program. If a program is not successfully completed within the first nine months of probation, the Board shall consider respondent in violation of probation.

Based on Board recommendation, each week respondent shall be required to attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent shall be added. Respondent shall submit dated and signed documentation confirming such attendance to the Board during the entire period of probation. Respondent shall continue with the recovery plan recommended by the treatment/rehabilitation program or a licensed mental health examiner and/or other ongoing recovery groups.

- (15) ABSTAIN FROM USE OF PSYCHOTROPIC (MOOD-ALTERING) DRUGS - Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are ordered by a health care professional legally authorized to do so as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14) days, by the prescribing health professional, a report identifying the medication, dosage, the date the medication was prescribed, respondent's

prognosis, the date the medication will no longer be required, and the effect on the recovery plan, if appropriate.

Respondent shall identify for the Board a single physician, nurse practitioner or physician assistant who shall be aware of respondent's history of substance abuse and will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report to the Board on a quarterly basis respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances.

The Board may require the single coordinating physician, nurse practitioner, or physician assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive medicine.

- (16) SUBMIT TO TESTS AND SAMPLES - Respondent, at his expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of respondent's current telephone number at all times. Respondent shall also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and respondent shall be considered in violation of probation.

In addition, respondent, at any time during the period of probation, shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

If respondent has a positive drug screen for any substance not legally authorized and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board files a petition to revoke probation or an accusation, the Board may suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to participate in a random, biological fluid testing or drug screening program within the specified time frame, respondent shall immediately cease practice and shall not resume practice until notified by the Board. After taking into account documented evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may

suspend respondent from practice pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

- (17) MENTAL HEALTH EXAMINATION - Respondent shall, within 45 days of the effective date of this decision, have a mental health examination including psychological testing as appropriate to determine his capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by respondent.

If respondent is determined to be unable to practice safely as a registered nurse, the licensed mental health care practitioner making this determination shall immediately notify the Board and respondent by telephone, and the Board shall request that the Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall immediately cease practice and may not resume practice until notified by the Board. During this period of suspension, respondent shall not engage in any practice for which a license issued by the Board is required, until the Board has notified respondent that a mental health determination permits respondent to resume practice. This period of suspension will not apply to the reduction of this probationary time period.

If respondent fails to have the above assessment submitted to the Board within the 45-day requirement, respondent shall immediately cease practice and shall not resume practice until notified by the Board. This period of suspension will not apply to the reduction of this probationary time period. The Board may waive or postpone this suspension only if significant, documented evidence of mitigation is provided. Such evidence must establish good faith efforts by respondent to obtain the assessment, and a specific date for compliance must be provided. Only one such waiver or extension may be permitted.

- (18) THERAPY OR COUNSELING PROGRAM - Respondent, at his expense, shall participate in an on-going counseling program until such time as the Board releases him from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.
- (19) COST RECOVERY - Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$7,790. Respondent shall be permitted to pay

these costs in a payment plan approved by the Board, with payments to be completed no later than three months prior to the end of the probation term.

If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition. During the one-year extension, all original conditions of probation will apply.

DATED: 7/17/08

Ruth S. Astle

RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

BOARD OF REGISTERED NURSING
JUL 18 2008

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-10

13 **GENESIS CORTEZ SICAT**
872 Commercial Avenue
14 South San Francisco, California 94080

A C C U S A T I O N

15 Registered Nurse License No. 506965

Respondent.

16
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **Registered Nurse License**

23 2. On or about December 6, 1994, the Board issued Registered Nurse License
24 Number 506965 to Genesis Cortez Sicat ("Respondent"). The registered nurse license will
25 expire on May 31, 2008, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with section
2 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under Code
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Code section 2761 states, in pertinent part:

9 The board may take disciplinary action against a certified or licensed nurse
10 or deny an application for a certificate or license for any of the following:

11 (f) Conviction of a felony or of any offense substantially related to the
12 qualifications, functions, and duties of a registered nurse, in which event the
13 record of the conviction shall be conclusive evidence thereof.

13 COST RECOVERY

14 6. Code section 125.3 provides, in pertinent part, that the Board may request
15 the administrative law judge to direct a licensee found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
17 and enforcement of the case.

18 CAUSE FOR DISCIPLINE

19 (Criminal Convictions)

20 7. Respondent is subject to disciplinary action under Code section 2761,
21 subdivision (f), in that Respondent has been convicted of the following crimes that are
22 substantially related to the qualifications, functions or duties of a licensed registered nurse:

23 a. On August 29, 2005, in the Superior Court, County of San Mateo,
24 California, in the matter entitled *People of the State of California vs. Genesis Cortez Sicat* (Sup.
25 Ct. 2005, Case No. NF350207A), Respondent was convicted on his plea of nolo contendere of
26 violating Vehicle Code section 2800.1, subdivision (a) (while operating a motor vehicle
27 attempted to evade, flee or otherwise elude a pursuing officer), a misdemeanor. The
28 circumstances of the crime are that on July 17, 2005, while San Francisco police officers were

attempting to stop Respondent for speeding, Respondent sped away from the officers in his vehicle. Once stopped, Respondent put his vehicle into reverse and accelerated striking the officer's patrol vehicle on the right front fender. Respondent got out of his vehicle and continued to be combative until the officers were able to subdue Respondent and place him under arrest.

b. On January 12, 2006, in the Superior Court, County of San Mateo, California, in the matter entitled *People of the State of California vs. Genesis Cortez Sicat* (Sup. Ct. 2005, Case No. NM354387A), Respondent was convicted on his plea of nolo contendere of violating Penal Code section 166, subdivision (a)(4) (contempt of court by willful disobedience of a court order), a misdemeanor. The circumstances of the crime are that on December 30, 2005, Respondent violated a restraining order obtained by Respondent's parents to keep Respondent away. Police officers responded to the home of Respondent's parents. During a search of Respondent's person, police found a small plastic baggie that contained a white crystalline substance, which later field-tested positive as methamphetamine. Officers also located a glass pipe commonly used for smoking methamphetamine.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. **Revoking or suspending Registered Nurse License Number 506965, issued to Genesis Cortez Sicat;**

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2. Ordering Genesis Cortez Sicat to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 7/06/07

El. of Hochberg for
RUTH ANN TERRY, M.P.H., R.N.
 Executive Officer
 Board of Registered Nursing
 Department of Consumer Affairs
 State of California
 Complainant